

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GOSMILE, INC., a Delaware Corporation,

Plaintiff,

-against-

DR. JONATHAN B. LEVINE, D.M.D. P.C., a
New York corporation, and DR. JONATHAN B.
LEVINE, an individual,

Defendants.

Index No. 10 CV 8663 (PKC)(DCF)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, dated January 4, 2011, and upon all pleadings and proceedings had herein, Defendants Dr. Jonathan B. Levine D.M.D. P.C. and Dr. Jonathan B. Levine (collectively “Defendants”) will move this Court before the Honorable Kevin P. Castel, United States District Judge at the United States Courthouse, 500 Pearl Street, New York, New York 10007 on a date and time to be set by the Court for an Order:

a) Pursuant to Rule 12(b)(6) Fed. R. Civ. P., dismissing the First, Second, Third, Fourth, Fifth, and Eighth Counts of Plaintiff’s Complaint for failure to state a claim upon which relief can be granted; and

b) Granting such other and further and other relief as the Court deems just and proper.

Dated: New York, New York
January 4, 2011

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